

1 DERRICK L. Sledge, P-43766
2 CTF/CW-134L
3 P.O. Box 689
4 Soledad, Calif. 93960
5 IN Pro Se.

6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9
10 SAN FRANCISCO DIVISION

11 DERRICK Lee Sledge
12 Plaintiff,

13
14 V.

15
16
17 DAVID BALKIND, R. Schnora,
18 J.T. White, N.A. Ellis, M. Vela,
19 S.R. Stinson, M, ARFA, and
20 John MARSHALL

21 Defendants.

FILED

JUN 12 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C 07-4622 CRB(PR)

22
23 MOTION FOR LEAVE TO FILE
24 AN AMENDED COMPLAINT

25
26 Plaintiff DERRICK L. Sledge, pursuant to
27 Rule 15(a) AND 19 (a), Fed. R. Civ. P., Requests
28 leave to file "AN Amended Complaint for

1 Reconsideration/Redress the parties NAMED AS
2 "Defendants in the Original submitted comp-
3 laints in their individual Capacity Along
4 with Attached Exhibits- (Named Amended-(A.)
5 Exhibits-(Ex.), for substantiating evidence
6 in support thereof. . .

7 Plaintiff in his Original Complaint
8 preparation were AND still is deprived Adequate
9 Assistance, legal material AND moreso being
10 personally impaired to such legal knowledgment;
11 And still suffer mental Anguish from the many
12 violations imposed on him by All NAMED defen-
13 dant; To had priorly correctly identified AND
14 Advocated the violations/Retaliations this
15 plaintiff became subject under. . .

16 17 I. JURISDICTION

18
19 1. This is A Civil Action Authorized by
20 42. U.S.C. Section 1983 to "Amend" the depriv-
21 ation under the Color of State laws of Rights
22 Secured by the Constitution of the United
23 States. Plaintiff seek declaration Relief
24 PURSUANT to 28 U.S.C. Section 2201 AND 2202.
25 Plaintiffs' Claims for injunctive Relief ARE
26 Authorized by 28 U.S.C. Section 2283 AND
27 2284 AND Rule 65 of the Federal Rules of
28 Civil Procedure.

II. PLAINTIFF

2. Plaintiff, Derrick L. Sledge, has always been in the Custody of Calif. Dept. of Correction And Rehab. - (CDCR). However the events of these violations occurred At Calif. Men's Colony - East; C-Quad. And Plaintiff in Retaliation been transferred to Correctional Training Facility - (CTF), At Soledad Calif.

III. DEFENDANTS

3. Defendant, David Balkind on 12/13/06 WAS A Correctional Officer - (CO), At CMC-E, C-Quad At the time of this incident of A "Staff Control Racial Riot." Whom with malice and Sadistic intention, fabricated A serious Rule violation Report (CDC-115), Against plaintiff (See Original Complaint - (OC), Exhibits (EX.) pages - (pgs.) 20-23). For the sole purposes to impose years of severe hardship living.

This was an act of deliberately indifference by him believing in CDCR/CMC-E policy AND previous events where his Superiors never question Officers falsified Allegation (Against AN inmate) AND even when Actions being "perverse" to the Rules AND Regulation

defined in C.C.R. 15 Subchapter 4- General Institution Regulation, Article 2 Security / Safety; and Article 4, Disorders and Emergencies C/o Balkind deceitfulness rest on this incident being falsely label as being a "Participation Racial Riot" being demonstrated under A Code of Silent CDCR/CMC-E Policy.

To which constitute too much more than A due process violation, being how this defendant was given many opportunities after the facts, to justly state he'd erroneously identified Plaintiff as an actual fighter.

Also should be review how CDCR/CMC-E has manipulated its rules to disallow Plaintiff from filing A Citizen Complaint in greater Attempts to further conceal C/o Balkinds misconducts ect.... (See A. Ex. pgs. 213-224).

4. Defendant, R. Schnora was A Correctional Officer Sergeant, Assigned to C-Quad Yard- Program on 12/13/06 incident. Whom acted with severe negligence and prejudice in violation of plaintiff Eighth Amendment Rights, by failing not too called "Yard Down" ect... for the safety and protection of plaintiff and many others.

First, Corruptably, Stg. Schnora somehow convinced all pre / primary and

1 Responding Officers to Fabricate the timing of
 2 this entire incident to (1405)^{hrs.}, falsely perceived
 3 too been under one simultaneous event, con-
 4 trarily to conceal that there was ample time
 5 from when C/O Carlson was initially confronted
 6 with a group of white inmates lying about their
 7 friend (I/m Foletti) bleeding head injury
 8 caused by a seizure doing normal yard activities
 9 program (See O. Ex. pgs. 31-32). And Stg.
 10 Schnora being told by Medical Staff that such
 11 injury wasn't from a seizure (See O. Ex. pgs.
 12 29-30). And then all other Officers being
 13 instructed "only" to stand in front of the
 14 buildings (See O. Ex. pgs. 33-34 statements
 15 from the Tower precise observation); Substain-
 16 tiating there was sufficiently enough time to "call
 17 Yard Down" then investigate which was always the
 18 protocol.

19 Secondly, Corruptably Stg. Schnora
 20 somehow convince his staff to participate
 21 along with his Racial Discrimination, negligence
 22 under deceitfulness by Alleging this incident
 23 being a participated Racial Riot, when in
 24 actuality it was Blacks individual inmates
 25 acting in self-defense protection forced by
 26 Officers presently neglect toward their safety.
 27 (Noted C-Quad was Mental illness Health
 28 Services Program CCCMS). - As Officers watch

1 white inmates gather combat support (Again
2 See O. Ex. pgs. 33-34).

3 Plaintiff Facts are also support by
4 how CDCR/CMC-E has manipulated its Rules
5 to also disallowed / denied plaintiff from
6 filing a Citizen Complaint Against Stg. Schnoea
7 (See A. Ex. pgs. 225-235) In Attempt too
8 conceal multiple of violations from being
9 prevailed !!

10
11 5. Defendant, J. F. White, was C-Quad
12 Captain at the time of this incident. Which was
13 under prejudicial conflict of Interest, became
14 Plaintiff Institutional Classification Committee-
15 (ICC) only judgement of reweight them
16 fabricated facts for keeping plaintiff retained
17 in Administration Segregation Unit (See
18 A. Ex. pgs. 76-93 / at p. 84). Too continue
19 living under hardship, unhumane living
20 condition (See A. Ex. pgs.

21 Captain White prejudice has been
22 demonstrated by his severe negligence to not
23 had convincingly review how %o Balkind false
24 accusation against plaintiff (See O. Ex. pgs. -
25 20-22 compared to primary officers Report
26 O. Ex. pgs. 24-28 saying that #/m Lutz observed /
27 secured fighting someone other than plaintiff)

28 Captain White Sadistic - prejudice also

Caused him to be blinded how plaintiff WAS Seperated by C-Quad two (different) 10 ft. high, 10 yard long fences posted on the Basketball/Tennis Court from where % Balkind falsely Alleged witness seeing plaintiff fighting I/m Lutz (See O. Ex. pgs 20-22 AND then O. Ex. pgs. 43-44). As being Plaintiff final schematic location.

Captain White violation should be Consider under CAUSATION - Johnson v Duffy (9th Cir. 1978) 588 F.2d 740; AND Leer v Murphy (9th Cir. 1988) 844 F.2d 628. For it was he who had days previously placed C-Quad on lock down program when both I/m Foletti (wht.) AND I/m Riley (Blk.) gotten into A fits fight, only to be permitted normal program with the general population upon the same time (See O. Ex. pg. At p. 19).

This Review Court must Accept All Facts AS true Since it was Again CDCR / CMC-E manipulation to not Record plaintiff ICC- Hearing AND then disallow/denied plaintiff from A Citizen Complaint due Process (See A. Ex. pgs. 236-243).

6. Defendant, N. A Ellis was ON 12/30/06 Assigned by CMC-E AS plaintiff (along with All other inmates accused) Investigative

Employee (IE). IE-Ellis conducted the investigation / interviews in the most intentional Sadistically way possible to hinder Actual Facts from being prevailed moreso his co-workers C/o Balkind And Stg. Schnora violations.

IE-Ellis conducted All critical ASU-inmates interviews, unprofessional, unjust and in violation of Confidentiality - Contrarily for the Safety concerns of inmates when he conducted these interview in the open, in the physical present of their "Hostle" Cellmate And ASU/SHU hallways doorways, So that everyone could easily listen; Where Prison Politics is Law - Which procedure automatically "Forced" everyone to remain-silent And give only "No commit Statement to secure theirs Safety (See O. - Ex. pgs. 2 to 15 of ASU/SHU inmates statements).

IE-Ellis purposely discarded Plaintiff declaration (See Original Complaint Ex. ^{pgs. 52-55} Plaintiff personal gave this declaration to him in pursuit of plaintiff true innocence discovery, even over IE-Ellis loud objection explanations, letting everyone in this ASU/SHU section to acknowledge me giving A Officer notes, to put my life in more danger.

IE-Ellis misconduct was designated to conceal prevailing evidence of C/o Balkind Fabrications

1 And Stg. Schwora neglect from becoming documented
 2 so that the final CDC-115 Hearing Lt. S. R Stinson
 3 could and would completely denied this plaintiff
 4 every Hearing Right.

5 This Court must Again Accept everyone
 6 of plaintiff Claims AS being true And correct
 7 by the way CDCR/CMC-E has manipulated its
 8 policy to "denied" plaintiff from submitting
 9 neither A CDC-602 nor Citizen Complaint on
 10 IE-Ellis. (See A. Ex. Pgs. 110-123).

11
 12 7. Defendant CMC-E Appeal Coordinator-
 13 M. Vela, who Refused continuance not to
 14 process CRucial 602's submitted by plaintiff
 15 under prejudice, deliberate indifference
 16 And A Conflict of Interest. Mrs Vela was
 17 Assigned on 12/13/06 to Schematic all inmate
 18 true position/location; However upon
 19 Plaintiff location Mrs Vela made it
 20 maliciously vague (See O. Ex. pgs. 43-44) by
 21 not implicating that plaintiff was inside the
 22 Basketball Court that possess two 10feets
 23 high by 20feets long fences. To help
 24 defendant D. Balkind Fabrication to
 25 Appear Real.

26 Mrs. Vela then Abused her discretion
 27 by manipulating the CDC-602 Rules by
 28 forcing plaintiff to Alway First obtain

Additional documentation too Attach before having the 602 Process, even though the official Addressing the CDC 602 would had to obtain plaintiff Central File / Original file that possess that original documentation being Requested. This malice practice is designated AS A CONSPIRACY to cause delay AND prevent Violation from being Redress immediately for OR with the next hearing.

This practice is a severe disadvantage on inmates liberty interest and his due process clauses. Which Mrs Vela had a Responsibility to either CORRECT OR/AND Assistance that inmate OR/AND bring such deficiency to her Superiors Attention, All of which Mrs. Vela fail to do.

Please Review each of Mrs. Vela CDC-852 SCREENING Reasons under both Original (O.) AND Amended (A). Exhibits (Ex.) A. For instance: Plaintiff initial 602 was submitted on 12/24/06; Which Mrs. Vela Refused to process until Plaintiff was finally provide a Copy of the 12/21/06-ICC, 128g Chrono. That forced A month later delay to occur, then the first level wasn't due until 3/13/07 - which by then plaintiff had already obtain, A prejudicial investigator employee (IE- Ellis), (See O. Ex. pgs 1-15), A Final CDC-115 partial ect... Hearing Official (See O.

Ex. D1-D3); The Final ICC Hearing (See A. Ex. pgs. 187-212) And Property violation deprivation on purpose (See A Ex. pgs. 94-109). In which every stage resulted in violation to not even having the initial violations redress.

B. Another example: Plaintiff submitted the IE-Ellis violation CDC-602, before he was given the Final CDC-115 (Prejudice) Hearing. Again Mrs. Vela wouldn't process the 602 until after he somehow obtain a copy of the IE-Report. However Plaintiff wasn't provided this copy until after he was corruptibly found guilty. Then Mrs. Vela still refused to process such crucial IE violations (See A. Ex. pgs. 110-123), moreover review the multitude of denials by Mrs. Vela over Plaintiff due diligences. This staff went to the extreme of discarding the initial 602 that show I submitted the IE-Ellis 602 on 01/12/07 because I kept a 2/15/07 Im Request for interview (See A. Ex. 113-114). What is so dishonest was I wasn't given a copy of the IE-Report copy until after I was already found guilty.

C. Final Example: From the day Plaintiff was placed in ASU 12/13/07 until after fully completion of the SHU-Term and been retaliated transferred to CTF and there after on 4/10/08 ^{when} I finally given my personal "required" property - meaning all this time I was deprived from Family/Friend communication

1 Court Access. Religious practice ect... (See A
 2 Ex. 159-166). Moreover MRS. M. Vela dishonestly
 3 Screen-out my personal property lost item of my
 4 expense Brother 500 Typewriter, where AN officer
 5 in retaliation give it to another inmate. When I
 6 first notified Official was in the 12/21/02 ICC
 7 Hearing violation CDC-602 was submitted on 12/24/06
 8 (See A. Ex. pg section B Action Requested). However
 9 ON 2/06/07, I had to again submit another 602 (See
 10 A. Ex. pg. Section B). Request AN investigation
 11 into personal Items now being missing. Now being
 12 deprived Required personal property AND now missing
 13 property. I was then order to Attach a copy of my
 14 Receipt to the 602 (See A. Ex. pg. 128) even though
 15 the 602 Reviewer Official need to Review the Original
 16 Copy. Still I was denied this 602 after Attaching my
 17 copy anyhow AS I was timed delay (See A. Ex. pgs
 18 124-157) AND ^(A. Ex. 167-186) All to see MRS Vela continuously Screen-
 19 out deliberate indifference). ect.... Abuse of
 20 Authority.

21 Again this Court must accept plaintiff
 22 Claims AS true AND correct by how CDCR/CMC-E
 23 has manipulated it Rules by disallowing/denied
 24 plaintiff from filing a Citizen Complaint 602
 25 Against MRS. Vela (See A Ex. pgs. 244 - 270)
 26

27 8. Defendant Lt. S. R. Stinson, Assigned by
 28 CDCR/CMC-E AS plaintiff Final CDC-115 Hearing

Official, whom initiated this Hearing with pure prejudice, by stating it was no need for me to Request a postponement to call witnesses or too Address my Accuser (C/o Balkind / I'm Lutz never stated we was fighting) ect..., "Because one of his Officer said he saw me, "Therefore I'm Guilty (Id), "if I don't like it Appeal it (Id)".

I was then order away, and everything stated on the Hearing Disposition (See O. Ex. - pgs. ^{D1-D3} D1-D3) was done without me being there. (Falsified by Lt. S. R. Stinson).

Defendant Sadism was not only establish under plaintiff Due Process Rights violation because such conduct also imposed more harsher Cruel and Unusual punishment under ASULSHU Living incorporate within Plaintiff 25 yrs. to Life Sentence.

Again this Court must accept plaintiff Claims AS true AND Correct by how CMC-E has manipulated its Rules by disallowing / denied plaintiff from filing a Citizen Complaint 602s Against other defendant prevented him from filing one Against Final 115-Hearing Lt. S. R. Stinson

9. Defendant, M. ARFA was Assigned by CMC-E to be Chairperson in plaintiff ICC-Hearing. This Higher Standard Official Conducted, this Hearing UNprofessionally AND with malicious intention. This

defendant never reviewed impartially any of the fabricated information presented against plaintiff; Moreso defendant was negligence to see how the Final CDC-145 Hearing Lt. Stinson found Plaintiff guilty with him being permitted to be in the Hearing - All because this defendant full attention was focus on a young psych-Tech lady and her activities for Valentine's Day. (See A. Ex. pgs. 187 to 212)

10. Defendant CMC-E Warden John Marshall on 12/13/06 minute after this staff controled Riot, came upon C-Quad yard to inventory the situation, too personally witness the Contradiction Among his Officers initial fabricating facts of this incident being of a Racial Riot when there was over 60 inmates in this Area both black and white and only 6 was alleged to be saw fighting and secured (See. O. Ex. pgs. 37 to 44; 105 inmates in these Area).

OR Warden Marshall learning upon later discovery that convincingly show how one inmate acted alone and the other Black acted in self defense for his staff neglect to had called the Yard Down (See. D. Ex. pg. 19 - on 12/18/06). still permitting his Official for being prosecuted for participating.

Also Warden Marshall Received out-side Responses from plaintiff due diligence Requests for out-side Assistance to prevent CMC-E officials

1 from denying plaintiff 602-Appeals due process
 2 while at the same time covering up the truth
 3 of this matter. (See A. Ex. pgs. 271-290) of
 4 plaintiff seeking out-side assistance); Now see
 5 (See A. Ex pgs. 292-³¹¹ of the Responses plaintiff
 6 received back); Now see/Review Warden Marshall
 7 Respond (See O. Ex. pgs 71 AND 75) which was
 8 only Co-worker of the Officers/Officials Plaintiffs
 9 was seeking an investigation on. For additional
 10 support review O. Ex. pgs 63 to 75; And there is
 11 two Offices of Internal Affairs (Bakerfield Ca.)
 12 And Sacramento. Ca - both of which Plaintiff
 13 corresponded with.

14 Such Warden Marshall malice activity
 15 given sole responsibilities to staff that were
 16 also operating under the same of Code of Silent
 17 Policy only help conceal Plaintiff violations claims.
 18

19 III. FACTS

20
 21 II. ON 12/13/2006 Calif. Men's Colony-East
 22 (CMC-E); C-Quad A Mental Health Program
 23 (CCCMS) Yard. Black inmates became entrapped
 24 into a self defense combat, because C-Quad
 25 Officers was intentionally negligent to intervene
 26 by not calling the yard down, after witnessing an
 27 inmate being brought off the yard with head injury-
 28 bleeding.

1 Plaintiff has present evidence by way
 2 of other officer incident reports where they
 3 Admit witnessing white inmates grouping-up
 4 (See O. Ex. pg. 24 and 33) and officers only
 5 standing in front of these buildings (p. 33).

6 ON 12/11/06 or there about inmate Riley
 7 Blk. (gangmember) gotten into a fist fight with
 8 wht. inmate Folettt, while C-Quad had already been
 9 on lock-down program.

10 ON 12/13/06 inmate Riley decided on his
 11 own to assault Folettt. (See O. Ex. pg. 19) Why these two inmate was
 12 permitted to normal program with general
 13 population is Against CDCR/CMC-E policy. Moreso
 14 CDCR/CMC-E also possess a policy to identify such
 15 misconduct by Association/Affiliation with gang-
 16 member (CRIPS), Blood and muslim ect.. which
 17 was not applied in this case, only the color of
 18 black individual skin. (Review Evidence used
 19 to prosecute inmate Riley with).

20 Only when this Angry white group
 21 notice how staff wasn't trying to intervene; They
 22 went over to a Black CMC-E MAC Name Byone
 23 Johnson and when he would assist to help them
 24 locate Riley one of the white inmate assaulted
 25 him.

26 Plaintiff who was standing a few yard
 27 away was permitted to peacefully escort Johnson
 28 away from this Angry white group and then

1 too greater distance himself farther away to
 2 an enclosed area with other non-participant
 3 (Again) by two 10ft. high by 20ft long fences.

4 This white group still being not
 5 satisfied, decided to attack any innocence, weak
 6 looking Black inmate close-by; which then
 7 resulted into a few individual fighting.

8 Its Plaintiff belief that he was permitted
 9 to escort his friend Mac Johnson from this white
 10 group because of Plaintiff Holy characteristic that
 11 he had established among them over a 7 yrs.
 12 period.

13 Plaintiff neither fought anyone nor did
 14 anybody hit or fought Plaintiff. And prior to them
 15 individual fighting beginning Plaintiff was far
 16 enough away to had not been implicated as I
 17 was of an actual fighter or any other misconduct.

18 Officer Balkind purposely lied on Plaintiff
 19 as an initiation to be accepted under CMC-E
 20 C-Quad Code of Silent Policy. Officer Balkind only
 21 implicated Plaintiff by second guessing the fighting
 22 started on the tennis court where Plaintiff
 23 would always be instant of being overly friendly
 24 which he desire from me.

25 Officer Balkind Fabrication was rejected
 26 by everyone of them other officers who actually
 27 responded primary to this fighting area all
 28 being present before Balkind; as well of ^{these other officers} personally

1 Knowing Plaintiff for over 4 yrs as Plaintiff
2 Job Supervisor.

3 CMCE, C-Quad Official has discovered
4 fact-finding but has only use such discovery
5 in an attempt to criminal prosecute inmate
6 Riley with.

7 Plaintiff was never implicated as being
8 a Crip-Gangmember to be associated with
9 Riley; which is how CCCR/CMCE Policy identify
10 group fighting participation.

11 Plaintiff was falsely found guilty / by
12 due process violation for the color of his skin
13 even though the ~~Fabricated~~ some evidence standard
14 didn't support the finding of guilt ect... Plaintiff
15 possessed no fighting mark was no Pepper Sprayed
16 with the others and was far away from this
17 fighting zone with no other officer saying they
18 saw me fighting or/and running, ect...
19

20 IV. EXHAUSTION OF LEGAL REMEDIES

21
22 13. Plaintiff diligently attempted to use the
23 the prisoner grievance procedure available at
24 CMCE / CTF, to try and solve the problems.
25 However all claims presented was either ignored
26 or rejected under prejudice, and abuse of
27 discretion or conceal even more so that true
28 discovery would not be prevailed.

1 Plaintiff actual innocence pursuit was
 2 denied without him being allowed to obtain
 3 A Complete, impartial and fundamental fairness
 4 investigation CDC-602 Appeal due process AS A
 5 whole with All defendants participating.

6 7 V. LEGAL CLAIMS 8

9 14. Plaintiff's Reallege and incorporate by
 10 Reference of claims presented in his Original
 11 Complaint and now within the Amended
 12 Complaint paragraphs / Title 1-13.

13 15. All Defendants named has violated
 14 plaintiff (in-part or/and in its entirety) Eighth
 15 Amendment Protection Rights from Physical
 16 Assault from other inmates. Rights to Fair and
 17 Impartial due process of the Fourteenth
 18 Amendment. Freedom From Racial Discrimination.
 19 Freedom From Racial Discrimination. Equal
 20 Protection Rights, Free from Cruel and Unusual
 21 punishment and Deliberately Indifference
 22 under the Amendment to the United States
 23 Constitution.

24 16. The plaintiff has no plain, Adequate or
 25 Complete Remedy At law to redress the wrongs
 26 described herein. Plaintiff has been and will continue
 27 to be irreparably injured by the conduct of the
 28 defendants unless this Court grants the declaratory

1 And injunctive Relief which plaintiff seeks.

3 VI. PRAYER FOR RELIEF

5 WHEREFORE, plaintiff respectfully prays that
6 this Court enter judgment granting plaintiffs:

8 17. A declaration that the Acts and omissions
9 described herein violated plaintiff's rights under
10 the Constitution and laws of the United States.

12 18. A preliminary and permanent injunction
13 ordering defendants - CDCR ... shouldn't have
14 Judiciary over inmates CDCR 602 Appeals Due
15 Process, Fact-Finding, Discovery ect...

16 B. CDCR Appeals Offices shouldn't prevent
17 602s from being process by ordering that the
18 inmate too first obtain State (CDCR) documentation
19 Copies ect... to attach to the 602 in order for it
20 to become process (The 602-Reviewer official
21 should have enough authority to obtain the central file
22 that the required documentation is in upon reviewing
23 the 602-issues).

24 C. Inmates 602 issues should "stop" following
25 Hearing from occurring until that inmate initial
26 602-violations has been redress, when related.

27 D. Every Unit / Institutional Classification Com-
28 mittee Hearing and Final CDC-115 Hearing should

1 Automatically be tape Tape-Recorded to become
2 used by both Staff and inmate.

3 E. CDCR-Officers/Staff ect... Shouldn't be
4 permitted too Conspired with each other upon
5 Submitting CDC-115 Against inmates. The written
6 Report should be done under confidentiality. Aswell
7 it should be illegal for another CDCR-Staff/Officials
8 to Assist/help other to write a CDC-115 Report of
9 Anykind.

10 F. One dishonest Officer Statement/Facts
11 Shouldn't be permitted to count under the same
12 evidence Rule to Automatic support guilt.

13 G. Inmates should be permitted to somekind
14 of due process Appeal Rule too obtain other
15 inmate witnessing affidavit while being placed in
16 ASU/SHU isolation (Through legal mail/Confidential
17 mail) so they could later present/use for evidence
18 while the incident is still fresh in the memory.

19 H. Defendant Appeal Coordinator - M. Vela
20 Should Allowed Plaintiff to have his property CDC-
21 602 Re-process. Moreso to Relocate his legal
22 purposes Brother 500 Typewriter and its many
23 Accessories; Being how Plaintiff filed the property
24 602 violation on 12/24/06 (See A. Ex. pgs. 76)
25 Contradictively to Mrs. Vela Screen-out justifications
26 (See A. Ex. pgs. 124-158; At p. 134).

27 I. Plaintiff punishment was much greater then
28 it appear, because plaintiff being a 25 yrs to lifer

3-Striker (both non-serious/violent) who possesses
 A perfect Rehabilitation program/character. But to
 be under CDCR - Close-B custody - in Retaliation
 to forcibly be Transferred to a lifers facility
 CTF-Central, that will take plaintiff 15 more
 years to work in PIA/Job Labor work Assignment
 Herefore plaintiff should be immediately transferred
 back to CMC-E At Defendant Warden John
 Marshall Approval or Another Level-2 Facility
 such as San Quentin where he could work in
 PIA /Day Labor position Aswell of keeping his
 S-Suffix And A Safe guard that CDCR would
 Attempt to impose any other program Restriction
 then what's been stated above.

J. For this Court to review how CMC-E
 Appeal Office or/And his Advocacy of his actual
 innocence has now caused CTF Appeal Office
 602 - Reviewers Officials to Retaliate Against
 plaintiff by not removing An UNConstitutional /
 Unjust R-Suffix imposition, that has been
 Contrarily to CTF/CDCR Revised justification
 for imposing R-Suffix in compliance with PC 290
 in An great Attempt to keep plaintiff in great
 damage And severe mental illness.

19. Compensatory damages in the Amount of
 10,000.00 (Ten Thousand dollar) Against each
 defendant, jointly And severally.

1 20. Punitive damages in the Amount of
2 5,000.00 (5 Thousand dollar) Against each
3 defendant.

4
5 21. A jury trial on all issues triable by
6 jury.

7
8 22. Plaintiff's Costs in this suit

9
10 23. Any additional relief this Court deems
11 just proper, and equitable.

12
13
14 Dated: June 01, 2008.

15
16
17 Respectfully Submitted,

18
19 Derrick Lee Sledge

20 DERRICK lee Sledge
21 In Pro Se.
22
23
24
25
26
27
28

Exhibit Cover Page

Amended- (A.), Exhibits- (Ex.), Pages- (Pgs.)

A. Ex. Pgs. 76 To 93

Plaintiff - (Initial) Institutional Classification
Committee - (ICC). CDC-602
(exhausted) Appeal.
Concerning plaintiff initial ASU-
detainment. Initial Property Violation
Hardship living - Under C-Quad
Captain (Defendant) J.T. White
(Chairperson) Conflict of Interest
Prejudicial Justification.
(Process By Defendant M. Vela)

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

CTF

1. CMC-E
2. _____

Log No.

1. 07-0220
2. _____

Category

Seg Hrmgs.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
DERRICK L. Sledge	P-43766	N/A	B/Q-4186

A. Describe Problem: Upon becoming A Subject to 15 C.C.R. Article 6 Disciplinary Detention And Article 7. Administrative Segregation "With" the Conditions that follow - Sect. 3331, And Sect. 3343 (See Attachment). Is being Applied to my Case UNCONSTITUTIONAL AND IS OF UNREASONABLY Application And Contrary to legitimate Penological Interest. Since my Commitment to CDC & R/CMC-E, I have never demonstrated A behavior that CAN be —

If you need more space, (attach one additional sheet.) CC: A WRITTEN COPY BEEN MADE CONTINUE ON NEXT PAGE

B. Action Requested: I be officially ORDER back to general population immediately OR/AND that all my personal property be stored in ASU AND I be allowed under Staff closely supervision to obtain the legal Material I need AND ANY other Items I'm Allowed such as SNACK and Cosmetics CARE, Stationary Now AND then on monthly procedure. THIS PUNISH COUNT FOR 10X SHU ect., PUNISH ect.,

Inmate/Parolee Signature: Derrick L. SledgeDate Submitted: 12/24/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

BYPASS

 RECEIVED
MAY 23 2007
INMATE APPEALS
BRANCH

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

RECEIVED

CDC Appeal Number: _____

DEC 28 2006

JAN 26 2007

MAY - 7 2007

CTF APPEALS

APPEALS OFFICE, CMC APPEALS OFFICE

Amended-(A.) Exhibit-(EX.) 76

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____ Due Date: _____

Interviewed by: _____

BYPASS

Staff Signature: _____ Title: _____ Date Completed: _____

Division Head Approved: _____ Returned _____

Signature: _____ Title: _____ Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

BYPASS

Signature: _____ Date Submitted: _____

Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: **JAN 26 2007** Due Date: **MAR 13 2007**

☒ See Attached Letter

Signature: *um Yelo, CG II* APR 30 2007 Date Completed: **MAY 01 2007**

Warden/Superintendent Signature: *10/23/07* CMC APPEALS OFFICE Date Returned to Inmate: **MAY 02 2007**

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

I WAS PLACED IN CMC-E ASU/SHU ON 12/13/06-I ~~submit~~ Submitted this 602 12/24/06. I also wrote to Inspector General/Internal Affairs Offices ect that contra CMC-E that Contradict. CMC-E Staff Alleging Fact Finding. I WAS denied to partic ipate in these Hearing, I did ^{not} Agreed to anything but the violation in this 602 since 12/24/06. The Staff ~~stx~~ that was allowed to Address this 602 was the same Staff that dishonest never process these 602 until after the Hearing for a Cover-up to say I never ask for this issue to be impartial investigated this

Signature: *Derrich & Sledge* Date Submitted: **5/15/07**

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

Attn: I would like all attached documents retur

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

☒ See Attached Letter

CDC 602 (12/87)

Date: **AUG 08 2007**

A. Ex. Pg. 77

(mis)interpreted to be either A "Presents AN Immediate Threat to The Safety of Self or Other or AN Endangers Institution Security AND NO desire now. Which I feel I have not been Fairly AND Justly evaluated by either the Yard Captain (CG) Mr. R. White on 12/14/06 OR /AND ICC on 12/21/06. For its decision to be Retain me in ASU. I feel that the initial Segregation Placement Order was severely vague and didn't give sufficient in order to allow me a fair defense Response, or that the existing Material Evidence was clearly Contrary to either my Behavior / Conduct to Retain me in ASU. I also feel because it was the same CG-Yard Captain Mr. White, in which this misfortunate incident occurred AND the many incidence that followed; by him seating on on my ICC Hearing prejudice all opportunities of Having this ICC to order me back to general population. I feel its Mental Cruelty for a I/m (me) to have been Disciplinary Free for over 6 yrs. AND has taken every measure possibly upon his own self-will to become Rehabilitated only to Wake-up one day for Institution / Staff convenient to be label (without any effort on my the I/m part) As being a Security Endangerment - to be taking completely - out of general population to become severely Punish under CMC-E version of Sect. 3331 AND 3343.

CMC-E Version of ASU, should be for every one day spent in here it counts for ten-days of SHU Penalty time. Since I've been in CMC-E ASU, I haven't been Able to contact any of my family - being that their info. Are in my personal property that is stored some where else. And my Steadfast legal pursuit has been Stop / delay AND deprived ^{AND UNDER COURT DEADLINES FEDERAL COURT} - AND now I'm being told that a C/O is going to have to go through all my legal Material and decide with he want to bring me, without me being present. Not to exclude no out-side exercising to have a long-term effect on my Already Mental illness. Also my out-side Bible Studies Correspondence lesson I've been doing for 7 yrs. continuously. No Educational Material ect. All of which been my daily Rehabilitation Program

This such Punishment only support it was never designed to prove my innocence officially !!

December 24, 2006

OVER-ALL 72

Derrick B. Sledge
D 11

ject H. Continue :

n's same Staff a Second-level Reviewer M. Vela
 As the same Staff that Accepted my IE-602 Realized
 a violation and then reject it after I was order to
 each document that these Staff possessed to cause the
 delays and then Report I never bought these violation
 p. The same Staff Review that I accused her for
 dishonestly not Schematic placing me correctly upon the
 the day of this incident. is the same Staff to
 investigate this 602 violation - To severely prejudice this
 02 Due Process - which she has deliberate indifference
 allowed herself to be the 2nd Review to Answer it with
 prejudice. Just as Captain White was present of
 the Riot being secure and allowed to be chairperson
 in the ICC to be prejudice to see it was all because of
 his staff negligence to allowed the Riot to escalated
 to be prejudice in my ICC hearing. These involved staff
 not also to be the same Fact Finding Staff is causing
 time to pass to completely denied me to prove my
 innocence and then Retilitated ^{against} to denied me my (all)
^{Personal} property / material for Court ~~access~~ access, and severe
 Hardship living condition and so much more. This
 is pure corruption CCI M Vela should of declined to
 address this 602. She had my Counselor manipulate me
 to slow-down on complaining how illegal it was for the
 appeal office not to accept my IE Violation 602. I'm
 innocent I was not fighting no one hit me nor did I desire
 and hit anyone even before the Riot. I was allow to escort my
 friend and me far away. Which all Staff knew this but by
 their own consent to allow it staff to

79
Ex.
A.

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the INFORMAL Level

December 28, 2006

SLEDGE, P43766
EFBQB4F100004186

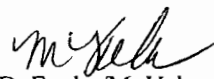
Log Number: CMC-E-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

Your appeal is incomplete. You must include supporting documentation. All documents must be legible. (If necessary, you may obtain copy(ies) of requested documents by sending your request with a signed trust withdrawal form to your assigned counselor.) Your appeal is missing:

Attach copy of ICC 128-G that states you will be retained in ASU. You will need to submit a request to the ASU Property C/O regarding obtaining items from your property. If you are denied your request then you may submit an appeal.


D. Engler/M. Vela
CC-II Specialist
California Men's Colony

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE
--

A. Ex. 80

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE	TO CMC-E Appeal Office		FROM (LAST NAME)	CDC NUMBER
Jan 1, 2007	CC-11 M. Vela (Specialist)		D. Shedge	P-43766
HOUSING	BED NUMBER	WORK ASSIGNMENT	JOB NUMBER	
B-9	4186		FROM	TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS	
			FROM	TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

believe you has SCREEN-out my 602 with Deliberate - Indifferences because the first
all of that 602 was CONCERNING staff Vague justification to Retain me in AGU and was
st specifying to my True conduct/behavior. which ICC only confirmed it. which you know take
m's months to obtain their 128a cheona. But I did Attach the CDC-114-D (copy). And the Second
if was CONCERNING the living condition that follow that Retain I've been suffering under it; being
my access to my personal property, legal material, family contact ect... who to say that staff hasn't
ready lost misplace my 12m-Req for interview slip since it's been going on 3wk. Now. Now you telling
I have to pay for the 128g in order to have my 602 Address upon the informal level after failing on other aff

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY	DATE
I am not sure what you are talking about - next time return	1.4.7

DISPOSITION
this with the Appeal + the Screen-out. I printed a copy of your last screen
out - You don't have to pay for the 128-G. you just have to wait until it is ->
E2

A. Ex. 81

From: D. Shedge P-43766 Rm 4186
To: CMC-E Appeal Office Coordinator

Re: To Amend the Attach filed CDC-602

I do not know how to correct my submitting 602 for your Office Approval, so I felt it was a need to Amend to you of your misinterpretation.

This CDC-602 focus on me being Retain to ASU after being so long in General Population being Disciplinary free for so long and now so easily be label as a Threat ect... To show then there is no Rehabilitation Opportunity in CDCR.

The property issue is just one of the many hardship I've suffered and continue to suffer under this order to had me continuously Retain in ASU under punishment condition. (but as a result I still haven't receive my property or been allow to get my own legal material weeks and counting.

But if I need to take the property issue off part B. Action Request in order to have this 602 Focus on the Retain and Hardship I will upon your office consent.

Derrick S. Shedge

PS: I have also
Attached now the
12/21/06 ICC 1286 chrono
upon getting it 01/22/07

A. Ex. 83

No. P-43766 Name: SLEDGE, Derrick Bed: BQ B4-4186 CS: 19 Level: II

Custody: MAX-RS Annual: 08/2007 Assignment: ASU

WG: D1 PG: D Eff: 12-13-2006 Care Level: CCCMS DDP: DPP: TBA: 32

WL: TABE: 7.7 Next BPH: Release Date: MEPD 03-22-2023

Rx: REFER CSR RX 90-DAY ASU EXTENSION

S appeared before ICC this date for a CDC-114D h. S was placed in ASU on 12/13/06, following his involvement in a riot between Black and White inmates in C-Quad. Placement in ASU is deemed appropriate. Information/evidence relied upon: CDC 114D dated 12/13/06. S did not request any witnesses for this hearing. S was issued a CDCR-115 dated 12/13/06, for violation of Participation in a Riot. This RVR has not yet been adjudicated. S is placed in WG/PG D1/D with MAX-RS custody effective 12/13/06. S is reviewed and cleared for walk alone yard and single cell housing while in ASU. Temporary single cell designation based on S's psychiatric concerns, refer to CDC 128C dated 11/1/05. S is to exercise with Black inmates only. S is to be kept away from White inmates. S's release to the GP would jeopardize his safety, the safety of others and the security of the institution due to his recent involvement in a riot. This case is referred to the CSR RX 90-day ASU extension. S is being retained in ASU pending adjudication of his RVR and identification of any resultant enemy/safety concerns. With the exception of the above stated issues case factors remained unchanged since S's Initial Classification on 12/26/01. CDC 812 is clear. Gang affiliation: None noted. Confidential file is noted. TB code of 32 per CDC 128C dated 12/5/06. DDP designation is NCF per CDC 128-C2 dated

Date: 12-21-2006 INSTITUTIONAL CLASSIFICATION COMMITTEE In Person Inst: CMC-E / C-Quad la

No. P-43766 Name: SLEDGE, Derrick Bed: BQ B4-4186

1/27/03. DPP: N/A. Reading TABE: 7.7. S is included in the MHSDS at a CCCMS level of care per CDC-128C dated 6/29/06. Dr. Muller was present and served as S's staff assistant for this classification hearing. Effective communication was achieved through the use of simple English spoken slowly. Committee queried S to ensure S's full understanding of issues discussed. Clinical case factors reviewed for ICC by the Mental Health Services interdisciplinary Ad-Seg treatment team indicate the subject's current level of care is CCCMS, with no recommendation for change at this time. Clinical staff has provided the following input for this hearing: S's response to treatment is sufficient. S's compliance to psychotropic medication is consistent. Quality of participation in treatment is adequate. S's activities of daily living skills are adequate. S does not require a staff assistant for ICC. S is not likely to decompensate if he remains in ASU for a lengthy period. S's ability to understand the ICC hearing is adequate. S has no psychiatric symptoms relative to staff safety. S has no mental health concerns regarding single or double cell status. S has a history of suicide attempts. S has no history of assaults. S fully participated in Committee action. S understood the reasons for Committee's decision and agreed with Committee's recommendation. S had no questions for Committee this date. S stated to Committee, "I was not involved." S was advised to his right to appeal Committee action via the CDC 602 process. Additionally, S was advised that his visiting privileges are temporarily suspended due to safety and security issues resulting from ongoing racial unrest currently being experienced at CMC. Due to the design of the visiting room, ASU inmate's enroute to the non-contact visiting booths must be escorted through the open unrestricted visiting room occupied by inmates of all races and

Date: 12-21-2006 INSTITUTIONAL CLASSIFICATION COMMITTEE In Person Inst: CMC-E / C-Quad la

No. P-43766 Name: SLEDGE, Derrick Bed: BQ B4-4186

their visitors. Under normal circumstances the escort is completed without incident. Due to the extent of violence during the recent racial riot in C-Quad, Committee believes escorting suspected participants of this riot through the visiting room poses a significant security risk, which would jeopardize the safety of visitors, staff and inmates. This temporary visiting suspension will be lifted when C-Quad GP inmates are returned to normal program at which time S will revert to non-contact visiting while in ASU. Next ICC in 90 days or upon receipt of adjudicated RVR, whichever comes first

COMM:  D. Connor
CDA (A) & Chairperson

 R. White
Facility Captain

J. Meyers
Chief Psychiatrist (A)

K. Smith
Lieutenant

 D. Samuel
Asst. C&PR (A) & Recorder

CC: Inmate, Quad & CSR

Date: 12-21-2006 INSTITUTIONAL CLASSIFICATION COMMITTEE In Person Inst: CMC-E / C-Quad la

A E V 9 U

STATE OF CALIFORNIA
ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE
CDC 114-D (Rev 10/98)

DEPARTMENT OF CORRECTIONS

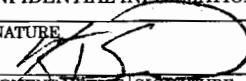
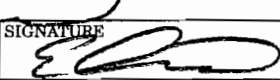

DISTRIBUTION:
WHITE - CENTRAL FILE
BLUE - INMATE (2ND COPY)
GREEN - ASUCANARY - WARDEN
PINK - HEALTH CARE MGR
GOLDENROD - INMATE (1ST COPY)INMATE'S NAME
SLEDGE, DERRICK (BLA) (CCCMS) (5102 To 4186)CDC NUMBER
P-43766 (TAB: 8.6)

REASON(S) FOR PLACEMENT (PART A)

- ☒ PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
☐ JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
☒ ENDANGERS INSTITUTION SECURITY ☐ UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On December 13, 2006, you are being rehoused in the Administrative Segregation Unit (ASU). On this date a riot between numerous white and black inmates occurred on the C-Quad Yard. You were identified as being a possible participant in the riot based on injuries, exposure to OC, or staff identification. Based on the above information you are deemed a threat to the safety and security of the institution. You will remain in the ASU pending further investigation, adjudication of disciplinary proceedings, and ICC review.

<input type="checkbox"/> CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)		<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /	
DATE OF ASU PLACEMENT 12-13-06	SEGREGATION AUTHORITY'S PRINTED NAME K. T. SMITH	SIGNATURE 	TITLE Lieutenant
DATE NOTICE SERVED 12/13/06	TIME SERVED 1020	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE E. RAMOS	SIGNATURE 
<input type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE 	CDC NUMBER P-43766

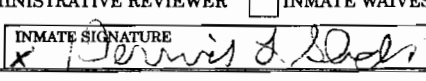
ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the initial administrative review by Captain or higher by the first working day following placement

STAFF ASSISTANT (SA)		INVESTIGATIVE EMPLOYEE (IE)	
STAFF ASSISTANT NAME ASSIGNED (LASENBERGER)	TITLE LCSN	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
IS THIS INMATE:			
LITERATE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE COLLECTION BY IE UNNECESSARY	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES <input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ASU PLACEMENT IS FOR DISCIPLINARY REASONS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED	<input type="checkbox"/> YES
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES		
<input type="checkbox"/> NOT ASSIGNED		<input checked="" type="checkbox"/> NOT ASSIGNED	
Any "NO" requires SA assignment		Any "NO" may require IE assignment	

INMATE WAIVERS

- ☒ INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER ☐ INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
☐ NO WITNESSES REQUESTED BY INMATE

INMATE SIGNATURE
 DATE
12/13/06

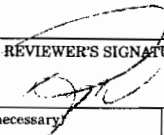
WITNESSES REQUESTED FOR HEARING

WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER

DECISION: ☐ RELEASE TO UNIT/FACILITY ☒ RETAIN PENDING ICC REVIEW ☐ DOUBLE CELL ☒ SINGLE CELL PENDING ICC

REASON FOR DECISION:

ENDANGERS INSTITUTION SECURITY

ADMINISTRATIVE REVIEWER'S PRINTED NAME R. WHITE	TITLE FC	DATE OF REVIEW 12/13/06	TIME 1115	ADMINISTRATIVE REVIEWER'S SIGNATURE 
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)		DATE OF REVIEW

See chronological Classification Review document (CDC 128 - G) for specific hearing information

A. Ex. 85

State of California


Department of Corrections
CDC 128-G

No. P-43766

NAME: SLEDGE,

Comment: 90 day ASU extension from ICC action of 12-21-06 approved to complete adjudication of pending RVR of 12-13-06 for Participation in a Riot.

Return to CSR no later than 3/21/2007 with status update.


D Oftedahl, CSR

Date: 1/22/2007

Classification - CSR ACTION

CMC-E

Δ Fx. 86



Memorandum

Date : April 27, 2007

To : SLEDGE, DERRICK
P-43766
CORRECTIONAL TRAINING FACILITY (CTF)

Subject : CMC APPEAL LOG #E-07-0220
SECOND LEVEL APPEAL

ACTION REQUESTED: 1. RELEASED BACK TO THE GENERAL POPULATION (G.P.) OR ALL YOUR PERSONAL PROPERTY STORED IN THE ADMINISTRATIVE SEGREGATION UNIT AND, ON A MONTHLY BASIS, ALLOWED TO GO THROUGH YOUR PROPERTY TO OBTAIN LEGAL MATERIAL AND ANY OTHER ALLOWABLE ITEMS.

You state in your appeal that you were unconstitutionally and unreasonably placed in the Administrative Segregation Unit (ASU) that restricted you to the conditions set forth in the California Code of Regulations (CCR), Title 15, Sections 3331 and 3343. You feel that since your commitment to the California Department of Corrections of Rehabilitation (CDCR) you have never demonstrated any behavior that could be interpreted as a present and immediate threat to the safety of self or others or a danger to institution security. You further state that R. White, C Quad Facility Captain (Capt.) and the Institution Classification Committee (ICC) unfairly and unjustly evaluated your retention in ASU. You contend that the California Department of Corrections (CDC) 114-D, Administrative Segregation Unit Placement Notice, was vague and did not allow you to have a fair defense response. You add that since Capt. White elected to retain you in ASU during the administrative review, he should not have been a participant in ICC.

You contend that since your placement in ASU you have not had the opportunity to contact your family members because your personal property is stored somewhere else. You also claim that your "legal pursuit" has been stopped or delayed and you are now being deprived of your legal material. You state that you were informed that a Correctional Officer (C/O) would go through your personal property and locate your legal material for you, without you being present. You do not agree with this procedure and feel that this will have a long-term effect on your mental illness. You feel that all of your property should be stored in ASU.

The rules of the Department governing your issues are contained in the CCR, Title 15, and the Department Operations Manual (DOM) as follows:

A. Ex. 87

3270. General Policy.

...The requirement of custodial security and of staff, inmate and public safety must take precedence over all other considerations in the operation of all the programs and activities of the institutions of the department.

3271. Responsibility of Employees.

Every employee, regardless of his or her assignment, is responsible for the safe custody of the inmates confined in the institutions of the department.

3315. Serious Rule Violations.

(b) In addition to the disciplinary hearing, the inmate may be subject to segregation from the general population pursuant to sections 3312 and 3335...

3331. Conditions of Detention.

(a) Insofar as the safety and security of institution and for persons will permit, the physical facilities of designated disciplinary detention units will approximate those housing general population inmates.

(c) Personal Items.

(1) Inmates will not be permitted to use or possess items of personally owned property, such as radios, television sets, tape players, musical instruments, and typewriters while undergoing disciplinary detention. Personal items necessary for health and hygiene may be used if such items are not available for issue by the institution.

(j) Legal Material. Inmates undergoing disciplinary detention will not be limited in their access to the courts. Legal resources may be limited to pencil and paper, which will be provided upon request, for correspondence with an attorney or preparation of legal documents for the courts. Other legal material in an inmate's personal property may be issued to an inmate in disciplinary detention if litigation was in progress before detention commenced and legal due dates are imminent.

3335. Administrative Segregation.

(a) When an inmate's presence in an institution's general inmate population presents an immediate threat to the safety of the inmate or others, endangers institution security or jeopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity, the inmate shall be immediately removed from general population and be placed in administrative segregation. Administrative segregation may be accomplished by confinement in a designated segregation unit or, in an emergency, to any single cell unit capable of providing secure segregation.

(c) An inmate's placement in segregation shall be reviewed by the Institution Classification Committee (ICC) within 10 days of receipt in

A. Ex. 88

the unit and under provisions of section 3338(a) of these regulations. Action shall be taken to retain the inmate in segregation or release to general population.

(d) When, pursuant to this section, an ICC retains an inmate on segregation status, the case shall be referred to a Classification Staff Representative (CSR) for review and approval. Unless otherwise directed by the CSR, subsequent ICC reviews shall proceed in accordance with the following timelines until the inmate is removed from segregation status:

3337. Review of Segregation Order.

On the first work day following an inmate's placement in administrative segregation, designated staff at not less than the level of correctional captain will review the order portion of the CDC Form 114-D...

3338. Hearing on Segregated Housing Order.

(e) When the reason for an inmate's initial placement in administrative segregation is a disciplinary matter and likely to result in a formal report of violation of institution rules on a CDC Form 115, or a referral to the district attorney for possible criminal prosecution, the hearing will assume the alleged misconduct or criminal activities to be factual as reported in the segregation order. The hearing will not consider evidence or information relating to the guilt or innocence of the inmate. The only determination to be made is whether the inmate needs to be retained in administrative segregation for the reasons given in subsection 3335(a) and in the segregation order, CDC Form 114-D, pending resolution or disposition of disciplinary issues...

3375. Classification Process.

(b) The classification process shall take into consideration the inmate's needs, interests and desires in keeping with the institution's/facility's needs; the inmate's behavior, performance and classification score; and the effect on the inmate, other inmates, staff, security of the facility, and public safety.

(c) Each determination affecting an inmate's placement within a facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff knowledgeable in the classification process.

3343. Conditions of Segregated Housing.

(a) *Living Conditions.* In keeping with the special purpose of a segregated housing unit, and with the degree of security, control and supervision required to serve that purpose, the physical facilities of special purpose segregated housing will approximate those of the general population.

A. Ex. 89

54030.13.2 Temporary Placements, Transfers, and Returns

In addition to the procedures outlined in DOM, the property of inmates on temporary transfer status shall be processed as follows at CMC:

Administrative Segregation

Property for inmates placed in temporary ASU and Special Housing Units (SHU), shall be stored in R & R. Inmate(s) assigned to ASU and SHU shall have personal property privileges restricted per this procedure, CCR 3331(c), and ASU Guidelines.

Appeal Coordinator M. Vela interviewed you on April 26, 2007, at the Second Level of Review. At that time you stated that which was in your appeal. You added that you felt that you were unjustly punished by being placed in ASU as you were innocent and did not do anything wrong. You were informed that the complaint regarding the property issues in this appeal were similar to property appeal log number CMC-E-07-0518, and that the property issues would, therefore, not be addressed in this appeal response. You stated that you understood.

A review of the CDC 114-D reveals that you were placed in ASU on December 13, 2006. C/O E. Ramos noted you declined an interview with the administrative reviewer. You did not request witnesses and signed the CDC 114-D. You were given a copy of the CDC 114-D on December 13, 2006, which provided you with the specific information regarding the reasons for your placement in ASU. On December 14, 2006, Capt. White reviewed your placement in ASU and determined that you would be retained pending ICC review. The decision to retain you was based upon the nature of your placement and your presence in the GP endangered institution security. Your assigned caseworker was assigned as a Staff Assistant (SA).

You had the opportunity to request an interview with the administrative reviewer and request witnesses, but failed to do so. During the CDC 114-D review with ICC, you stated that you understood the reasons for your placement in Ad Seg and you did not request witnesses.

On December 21, 2006, you appeared before ICC for a CDC 114-D hearing. You were placed in ASU on December 13, 2006, due to your involvement in a riot between Black and White inmates in C Quad. ICC deemed your placement in ASU appropriate. ICC noted you were issued a California Department of Corrections (CDC) 115, Rules Violation Report (RVR), dated December 13, 2006, Log Number E-C-06-12-0161, for violation of Participation in a Riot. Your case was referred to the Classification Staff Representative (CSR) for a 90-day ASU extension pending completion of the disciplinary process. You understood the reasons for Committee's decision and agreed with ICC's recommendation.

On January 22, 2007, the CSR approved a 90-day ASU extension from ICC action of December 21, 2006, to complete adjudication of the pending RVR of December 13, 2006, for Participation in a Riot.

A. Ex. 90

You have failed to establish that you were unconstitutionally and unreasonably placed in ASU. The administrative reviewer and ICC deemed your placement in ASU appropriate due to your involvement in a riot. Your contention that you never demonstrated any behavior that could be interpreted as a present and immediate threat the safety of others or a danger to institution security is inaccurate. If this were true the administrative reviewer would have ordered your release to the G.P. It is noted that you were subsequently found guilty of the RVR for Participation in a Riot.

Your request to be released to the G.P. or to have your personal property stored in the ASU is denied.

Should you be dissatisfied with this appeal decision, you may, by following the instructions listed on your Inmate Appeal Form (CDC 602), request a review at the Director's Level.

APPEAL DENIED

(4) 
JOHN MARSHALL
Warden
California Men's Colony

JM:MV

cc: C-File, Appeals File

A. Ex. 91

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: **AUG 08 2007**

In re: Sledge, P-43766
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960

IAB Case No.: 0615469

Local Log No.: CMC 07-0220

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Pennington, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that he has been unconstitutionally and unreasonably placed into the Administrative Segregation Unit (ASU). The appellant contends that he has never demonstrated any behavior that could be interpreted as a present and immediate threat to the safety of self or others or a danger to institution security. The appellant believes that R. White, "C" Quad Facility Captain and the Institution Classification Committee (ICC) unfairly and unjustly retained the appellant in the ASU. The appellant has requested to be released back to the general inmate population (GP) and/or that all of his personal property be stored in the ASU. The appellant has also requested to be allowed to obtain the legal material that he needs and any other items that he is allowed to take possession of.

II SECOND LEVEL'S DECISION: On April 26, 2007, the appellant was interviewed by appeal coordinator M. Vela. The reviewer established that the complaint regarding the property issues in this appeal were similar to the property appeal log number California Men's Colony (CMC)-E-07-0518, and that the property issues would, therefore, not be addressed in this appeal response. A review of the CDC Form 114-D, Administrative Segregation Unit Placement Notice established that the appellant was placed in the ASU on December 14, 2006. Correctional Officer E. Ramos noted that the appellant declined an interview with the administrative reviewer. The appellant did not request witnesses and signed the CDC-114D. The appellant was provided a copy of the CDC-114D and on December 14, 2006, Captain White reviewed the appellant's placement in the ASU and determined that the appellant would be retained in the ASU pending ICC review. The decision to retain the appellant was based upon the appellant participation in a riot between black and white inmates in "C" Quad on December 13, 2006. The ICC determined the appellant's placement in the ASU was appropriate. The appellant had been issued a CDC Form 115, Rules Violation Report (RVR) and the case was referred to the Classification Staff Representative (CSR) for a 90 day ASU extension pending completion of the disciplinary process. The appellant acknowledged the reasons for the Committee's decision and agreed with the ICC's recommendation.

On January 22, 2007, the CSR approved a 90 day ASU extension from ICC action of December 21, 2006, to complete adjudication of the pending RVR of December 13, 2006, for Participation in a Riot. Therefore it was determined that the appellant has failed to establish that he was unconstitutionally and unreasonably placed in the ASU. The administrative reviewer and ICC deemed the appellant's placement in the ASU appropriate due to his involvement in a riot. The appellant's contention that he never demonstrated any behavior that could be interpreted as a present and immediate threat to the safety of others or a danger to institution security is inaccurate. If this were true, the administrative reviewer would have ordered the appellant's release to the GP. It was noted that the appellant was subsequently found guilty of the RVR for Participation in a Riot. The appeal was denied at the Second Level of Review (SLR).

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: Despite the appellant's dissatisfaction he has been provided an appropriate response from the SLR. The appellant has failed to provide any evidence, information or documentation to support his claim that he had been placed and retain in the ASU without justification. The institution has demonstrated that all rules and regulation pertaining to the ASU placement and review process were

A. Ex. 92

SLEDGE, P-43766
CASE NO. 0615469
PAGE 2

followed. The institution has considered the overall safety and security of the institution and despite the appellant's dissatisfaction there shall be no relief afforded at the Director's Level of Review.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section: 3001, 3005, 3270, 3312, 3335, 3337, 3339, 3341.5, 3375

C. ORDER: No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CTF
Appeals Coordinator, CTF
Appeals Coordinator, CMC

A. Ex. 93

Exhibit Cover Page

Amended- (A), Exhibits- (Ex.) Pages- (Pgs.)

A. Ex. Pgs. 94 To 109

Plaintiff- Hardship CDC-602 Appeal
(exhausted)....

In Support of Hardship
living Conditions ect...

This is an Amending Good Concerning only to one issues
com Appeal screening order Date Amended 3/5/07

**INMATE/PAROLEE 2ND LEVEL
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. CMC-E
2. CMC-E

1. 07-0518
2. 07-01731

15-1C
C-134/L

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Derrick Shedge	P-43766	N/A	4288

A. Describe Problem: This has been Amended (Due to Appeal office screening) To concern the Hardship of not getting none of my once possessed personal property - Under Administrative Segregation Property Guidelines - Chapter 5, Article 43 (CDC Form 1687); Article 6 Section 3331. a-1; Article 7 section 3343 (a)-(1) in a fair/timely matter from 12/13/06 - 4/ which has made me to suffer Mental Cruelty, Cruel And Unusual Punishment, Mental Abuse AND emotional And psychological distress ect... From this protocol procedure -

If you need more space, attach one additional sheet. cc: A written copy been made

B. Action Requested: That this case be Grant Hardship by CMC-E official and compensate for pain suffering. I allow all property since SHU term over or immediately order by General Populations with all property to try to catch back-u be allow canteen items I be allow personal to get these item any other and further relief seems proper

Inmate/Parolee Signature: Derrick Shedge Date Submitted: 2/28/07

C. INFORMAL LEVEL (Date Received:)

Staff Response:

BYPASS

Staff Signature: Date Returned to Inmate:

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: RECEIVED

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

APR 19 2007

CTE APPEALS

MAR 07 2007

CMC APPEALS OFFICE
A. E. 94

RECEIVED
Date Submitted: 07-01731
CDC Appeal Number:

RECEIVED
JUL -5 2007
INMATE APPEALS
BRANCH
Attention
Chambers
see am

First Level

☐ Granted☒ P. Granted☐ Denied☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned:

MAR 07 2007

Due Date:

APR 18 2007

Interviewed by:

APR 18 2007

Staff Signature:

J. T. Torres

Title:

LTS

CMC APPEALS OFFICE

Date Completed:

APR 12 2007

Division Head Approved:

J. L. Cook

Title:

MPS (A)

Returned

Date to Inmate:

APR 13 2007

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Still the violations for this 602, is being the production of official deliberately indifference for prejudice under the Act (color) of its Law. To warrant relief even more so, and for its steadfastness counselment to the true discovery that reveal I was purposely denied from all required personal property for that loss (4mo.) Deprivation from all family, Court and ect... (Continue to Attachment C) Attaching 13 pages of Exhibit-A to support Hardship MAY 01, 2007

Signature:

Derrick A. Sledge

Date Submitted:

MAY 01, 2007

Second Level

☐ Granted☒ P. Granted☐ Denied☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned:

MAY 07

Due Date:

6-18-07

☒ See Attached Letter

Signature:

J. L. Cook

Date Completed:

6/20/07

Warden/Superintendent Signature:

J. L. Cook

Date Returned to Inmate:

JUN 23 2007

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

This WAS A CMC-E, ASU/SHU issue NOT A CTF, ASU; which support now dishonestly this 602 fact finding has gotten. This 602 was Reviewed with prejudice, negligence in a cover-up causing miscarriage of Justice. I was purposely Refused all/my personal property in Retaliation. I've Attached official document in support of my hardship. As CMC-E Appeal Office cause delays informing to Remove legal document in support of my claims. For it to Remove/alter screening form so out-side Justice could be manipulate to the corruption. I was denied Court communication/access ect, Deadline, Family contact, Religious studies and legal hearing to still be impeded all to not be Reviewed. CMC-E Appeal Office has convince CTF official/warden to fabricate discovery that clearly was never consider to cause me desire to suicidal thoughts of the

Signature:

Derrick A. Sledge

Date Submitted:

07/01/2007

For the Director's Review, submit all documents to: Director of Corrections

P.O. Box 942883

Sacramento, CA 94283-0001

Attn: Chief, Inmate Appeals

Please Return all Attach documents
20 pages Attached and ONE
IN RESPONSE

DIRECTOR'S ACTION:

☐ Granted☐ P. Granted☒ Denied☐ Other☒ See Attached LetterRECEIVED
NOV 18 2007

Date:

CDC 602 (12/87)

SND TELEF

0700574



CTF APPEALS

A. Ex. 95

of how CDCR/CML-E don't immediately after a soon Property Security evaluation check search - to Allow each (me) inmate to obtain their personal property upon having them rehoused in AS / SHU; At first only pending Official guilty finding / even if not and then a SHU-Team Disposition.

I have put in 3x Requests forms for my Property and been holding the fourth for weeks (Because he ~~had~~ hide now) and as far back as 12/10/06 when I specified precisely to that ICC of the Criminal need for my legal court material in my personal property (since that committee never recorded the hearing it was never stipulated on the 128g no need for Attachment) and even told by Due Process Official back then I could not Appeal such matter until it happen or I be Denied on the Request Form. All of which now support A "Deliberately Indifference Violation" (deprivation to liberties and civil rights) ect.,.. Which I've been told now each form became lost (Reprisals / Retaliation) or other reason beyond my control - Even though each time I personally given it to the appropriate staff.

Such Property Items was severely & crucially important such as Addresses / info. to contact families friend bussiness affairs ect.,.. And much more as well for all my current legal court ect.,.. documents as my Appeal conviction and its 18 arguments, also litigating the IRS, Dept of Ed. Sealing Juvenile Records and its Appeal ect.,.. with a greater production to prove to the State of Calif I've been labeled a Recidivist illegally / unconstitutional - All to be impaired / destroyed which I will never recover from - I've lost both my motivation / determination - having conscience believing now that this been CDCR soul purpose for its inmates as me ~~for~~ from rehabilitation and society productively - All dishonor to CDCR title.

OVER A. Ex. 96

I AM NOW AFRAID FOR EXPRESSION GOD AS THIS THAT

W. CAUSE ME AS BEEN HAPPENING CONTINUOUS PUNISHMENT FOREVER
 IER CDCR CARE AND NOW ALL PROPERTY MAY NOW COME-UP MISSING
 OST OR/AND DESTROY OR/AND MANY ITEMS REMOVED ALONG WITH
 OFFICIAL DOCUMENTS TO MAKE LIVING EVEN MORE DIFFICULT ALONG
 WITH MANY MORE RETALIATION/REPRISALS !!

Attention I should not become delay even further OR
 ASK NOW TO ATTACH DOCUMENTS I DON'T HAVE CAUSING A LONGER
 DELAY MORE OR ORDER ITS ATTACHMENT AFTER STAFF C. Informal
 level.

I could have used most of my property while in ASU/SHU
 to have limited the amount. And save with little money I
 been saving over the months of my only allowed Job pay number
 \$ 10.00 A month - when them Items was all in my property
 and to have them ducat put back on my books/Account (I don't have
 documents in support to attach but witnesses if % become dishonest)
 which ASU/SHU would had gotten ^{SAW} upon get my property

3/6/07 / 2/28/07

Derrick B. Sledge

DATE

Petitioner

action F now continue. Contact/Communication - was in "Relatation" - To
 afflict Hardship Distress; knowing now how its policy makes it difficult/
 impossible for I'm to make such Copies for Evidence - Attachment. Even more
 when its Official possesses my mental Health interview in support, then other
 submitting 602s in support and its recent action it provided to the Deputy
 Attorney General Matthew Mulford with Fabricating info. so it would be misin
 terpret used in a great attempt to Force the Federal Judge to Reject furtherence
 the Process Review concerning my illegal conviction !! Official due date violate
 ALSO

MAY 01, 2007

AN. ALSO NOW I'm Attaching Exhibit-A Pg. 1-13
 OR EVIDENCE TO SHOW HARDSHIP violation to be
 deprived Court Communication/Sufficiently
 due to not getting my personal Property

Derrick B. Sledge

Petitioner

A. Ex. 97



Memorandum

Date : April 04, 2007

To : SLEDGE, Derrick
P-43766, 'X' Wing, Cell 122L
Correctional Training Facility

Subject : **FIRST LEVEL REVIEW**
CMC APPEAL LOG #E-07-00518

ACTION REQUESTED: 1. RETURN OF PERSONAL PROPERTY.
2. REIMBURSEMENT FOR PAIN AND SUFFERING.

A review of your appeal has been completed. Your complaint, including requested remedial action, has received careful consideration. In the body of your Inmate / Parolee Appeal Form (CDC 602) you have made numerous attempts to obtain your personal property while housed in the Administrative Segregation Unit (ASU), without success.

On March 30, 2007, at approximately 1300 hours, I interviewed you, via institutional telephone, as you are now housed at Correctional Training Facility (CTF). During the interview you stated while housed at CMC-East you were housed in ASU and during that time you had requested some of your personal property, primarily legal paperwork, in order to meet the court deadlines. You added you had made several requests for this property; however, you were unable to gain any assistance from CMC-East Staff. You stated you are now housed at CTF and you ask that your same request be granted.

On March 31, 2007, I contacted CTF ASU Property Officer F. Pike, regarding your CDC 602. Correctional Officer Pike informed me she would search the ASU Property Room to see if your property had arrived. Correctional Officer Pike informed me, if the property was located, she would contact you and find out what property you were requesting.

On April 1, 2007, I again contacted Correctional Officer Pike and she informed me she had located the property and she was in the process of contacting you, to grant your request for your personal property, based on property regulations on allowable property in ASU.

You have requested reimbursement for the pain and suffering you have incurred as a result of your attempts to obtain your personal property, while housed in ASU. However, you have not provided any documentation to indicate any damages, other than your word, that you incurred any pain or suffering as a result of your not having possession of your personal property while housed in ASU. You have not provided a list of the property you requested possession of, while housed in ASU, other than "legal documents" and addresses. California

FIRST LEVEL REVIEW

CMC APPEAL LOG #E-07-00518

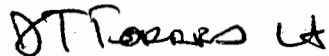
PAGE TWO

Department of Corrections and Rehabilitation (CDCR) does not have a procedure for reimbursement for pain and suffering.

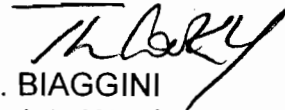
Your property was located at CTF and CTF ASU Property Officer Pike has located the property and made contact with you to determine the property you would be allowed to possess, while housed in ASU at CTF. However, your request for reimbursement for pain and suffering cannot be granted. Therefore, your CDC 602 is partially granted at this level.

APPEAL PARTIALLY GRANTED

REVIEWED AND APPROVED



J. T. TORRES
Correctional Lieutenant
CMC-East Facility



G. E. BIAGGINI
Associate Warden (A)
Classification & Treatment
CMC-East Facility

A. Ex. 99

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the INFORMAL Level

April 11, 2007

SLEDGE, P43766

CFXWT1000000132L

Log Number: CTF-S-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

This appeal constitutes an abuse of the appeal process pursuant to CCR 3084.4. Refusal to interview or cooperate with reviewer shall result in cancellation of the appeal per CCR 3084.4(d).

Comments: Refer to CMC 3/26/07 screen out. You need to get an attorney. CDC will not represent you for requests against outside courts. 2nd notice.



J. Aboytes / P. G. Dennis
Appeals Coordinators
Correctional Training Facility

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

A. Ex. 100

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

April 17, 2007

C-134L

SLEDGE, P43766

CFXWT1000000132L

Log Number: CTF-S-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

The action you are seeking is under the jurisdiction of the sentencing court. Any error in sentencing or presentence credits must be pursued through the sentencing court.

Comments: Appealing the sealing of juvenile records; your three strikes conviction action sought under the sentencing court jurisdiction. Appeal CMC legal library access for Ad Seg inmates; which was screened by CMC appeals on 3/26/07. Your issues are not representative of CTF.

J. Aboytes / P. G. Dennis
Appeals Coordinators
Correctional Training Facility

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

A. Ex. 101

DEPARTMENT OF CORRECTIONS and REHABILITATION
Correctional Training Facility
Soledad, California

S U P P L E M E N T A L P A G E

Second Level Reviewers Response

RE: CTF APPEAL LOG No. CTF-S-07-01731

INMATE NAME: Sledge CDC#: P-43766

HOUSING: CF 134 L

APPEAL DECISION: *DENIED*

APPEAL ISSUE: *PROPERTY*

In your appeal you state the following:

- (1) That you made several written requests to obtain your allowable personal property while housed in Administrative Segregation and have not received any property or a reply from your requests.

APPEAL REQUEST:

1. That your personal property be returned to you.
2. Receive reimbursement for pain and suffering.

APPEAL RESPONSE:

A thorough review of your appeal's package and all of your attachments has been completed and reveals the following:

Lieutenant Torrez reviewed your appeal at the First Level of Review and partially granted your appeal. In the first level response, Lt Torrez stated that he made contact on several different dates with CTF's ASU Property Officer Fike and she located and issued you, your allowable property. Your request for compensation for pain and suffering was denied.

Therefore based on the above your appeal was Partially Granted at the First Level.

Dissatisfied with the First Level Response, you submitted your appeal for a Second Level of Review.

A. Ex. 102

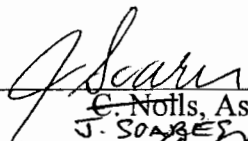
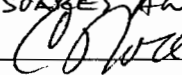
CTF APPEAL LOG No. CTF-S-07-01731
 Second Level Reviewer's Response
 Page 2 of 2

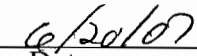
In your response to the First Level of Review, you state that you were dissatisfied with Lieutenant Torrez's response. You state that the deprivation of your personal property was deliberate and caused you suffering.

Mr. Sledge, CTF's ASU currently houses over 320 Inmates, with an average of about 30 – 35 new arrivals weekly. All property is re-inventoried and brought into compliance with article 43 of the Departmental Operation Manual. Although you may have been inconvenienced for a while, it was your actions that resulted in your Administrative Segregation placement. As stated in the First Level of Review, CDCR does not have a policy to compensate individuals for pain and suffering.

You have been provided due process in that your appeal was reviewed and investigated. You have not provided any new evidence or information to change the disposition of the First Level Reviewer. Therefore, based on the above, your appeal remains as **Partially Granted**, at the Second Level of Review

Reviewed By:


 C. Nolls, Associate Warden, Central Facility
 J. SOARES, AWCAL



 Date


 Date

B. Curry, Warden (A), CTF-Soledad

Date

cc: Appeals Office File
 Inmate's Central File

A. Ex. 103

INMATE APPEALS BRANCH

1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001



August 2, 2007

SLEDGE, DERRICK, P43766
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960

RE: IAB# 0700574 CTF-07-01731, CMC-07-00518 PROPERTY

Mr. SLEDGE:

The Inmate Appeals Branch, California Department of Corrections and Rehabilitation (CDCR) acts for the Director, Division of Adult Institutions, at the third level of appeal. The Branch examines and responds to inmate and parolee appeals that are submitted on a CDC Form 602, Inmate/Parolee Appeal Form, after the institution or parole region has responded at the Second Level of Appeal. The Inmate Appeals Branch has received an appeal from you and has determined that it does not comply with the appeal procedures established in California Code of Regulations (CCR) Title 15, Article 8, and is being screened-out and returned to you pursuant to CCR 3084.3 for the following reason(s):

- The appellant has added new issues to the appeal when presenting it for Director's Level of Review. The appellant must submit a separate appeal on the new issues to allow institutional staff an opportunity to resolve or otherwise respond to them.

Institution and parole staff are available to assist you in obtaining additional copies of forms and documents required to submit an appeal. The inmate library offers resources and assistance to obtain general information regarding regulations, procedures, policies, and government agency addresses. Additionally, your assigned Counselor or Parole Agent, or the Appeals Coordinator can answer any questions you may have regarding the appeals process. The Inmate Appeals Branch appreciates your responsible use of the appeal system to address your grievance.

A handwritten signature in dark ink, appearing to read "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

****PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE****

A. Ex. 104

From: I/m D. Shedge P-43766
CW-1342 August 27, 2007

To: CTF Appeal Office

Refer. Director Level Order to Submit
Another 602 ... CMC-E 07-0518
CTF-S 07-61731

Please could you instruct me or give me direct staff assistance to complete the Property-602 exhaustion requirement or show the Director Level how they misinterpret evidence by way of Exhibits as additional argument that was never previous addressed.

This other ~~issue~~ issue the Director Level is preferring to is only present to show the result of hardship which is Exhibit-A pages 1-

However this Evidence Label Exhibit-A was in fact presented in form of a 602 (See Exhibit-A page 2) filed as a separate 602 and was support by other fact in which you CTF Appeal Office co-signed with CMC-E Appeal Office to screen-it-out by saying it was a ^{not} CCR concern (See Exhibit-A page 12-13) which is odd being that the Attorney General has done a dismissal order base on info. this facility given him.

So how do I submit another 602 concerning Exhibit-A page-2 and it would become screen-out and be in compliance with the Director Order

Date August 27, 2007
21 pages attached

CC: written copies has been made

Submitted By
Derrick J. Shedge

A. Ex. 105

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: **NOV 18 2007**

In re: Sledge, P-43766
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960

IAB Case No.: 0700574

Local Log Nos.: CTF 07-01731 and CMC 07-00518

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner Jack Batchelor, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that while he was housed in the Administrative Segregation Unit (ASU) at the California Men's Colony (CMC), he requested on several occasions that some of his personal property items, primarily legal paperwork, be issued in order to meet court deadlines. The appellant indicates that he was unable to gain any assistance from CMC staff regarding his property requests. The appellant indicates that he is now housed at the Correctional Training Facility (CTF) and that he wants his legal paperwork issued to him in order to continue his litigation as well as the canteen items that are in his personal property.

II SECOND LEVEL'S DECISION: The institution contacted the ASU property officer at CTF to determine if the appellant had been issued any of his personal property. The property officer indicated that a check would be made to see if the appellant's property had arrived and if any property had been issued. A few days later, the ASU property officer at CTF was again contacted and stated that the appellant's property had been located and that the allowable property would be issued to the appellant.

The institution indicated that while the appellant had requested reimbursement for pain and suffering, the appellant could not provide any documentation to indicate any damages, other than his statement that he had incurred pain and suffering as result of his not having possession of his personal property while housed in the ASU at CMC.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: The documentation reveals that the appellant has been issued his allowable personal property. The appellant's claim that he has incurred pain and suffering is not documented and is clearly not justified by any documentation contained in the appellant's appeal complaint. The appellant's claim that he wanted his legal paperwork to complete court deadlines has not been substantiated as the appellant did not provide any court documents indicating that a court deadline had been issued. Additionally, the appellant did not provide any documentation indicating that a court deadline had been missed as the result of the appellant not receiving his legal paperwork. Until the appellant can provide persuasive documentation supporting his claim, a modification of the decision reached by the institution in this matter is not warranted. The appellant is also reminded that his request for compensation for pain and suffering is beyond the inmate appeals process and will be not discussed at the Director's Level of Review.

B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section: 3001, 3190, 3191, 3193, 3335

C. ORDER: No changes or modifications are required by the institution.

A. Ex. 106

SLEDGE, P-43766
CASE NO. 0700574
PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR. If dissatisfied, the appellant may forward this issue to the California Victims Compensation and Government Claims Board, (formerly known as the State Board of Control), Government Claims Unit, P.O. Box 3035, Sacramento, CA 95812-3035, for further review.



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CTF
Appeals Coordinator, CTF
Appeals Coordinator, CMC

A. Ex. 107

SECURITY HOUSING UNIT
CALIFORNIA MEN'S COLONY
LEGAL MATERIAL REQUEST FORM

Name: DERRICK Shedge Number: P-43766 Cell: 4186

If you do not require physical access to the law library, but need to obtain miscellaneous writs/petitions to need to obtain law books through the library, you must submit a legal material request form either to the Library Legal Officer or directly to the Law Librarian through the institutional mail. Your request will be forwarded to you within three (3) working days from receipt of your request WHEN POSSIBLE. Inmates may borrow a maximum of three (3) law books (or their equivalent) at any one time.

LEGAL MATERIAL REQUESTED

1. Federal Habeas Corpus Practice AND Procedure
Vol. 1 OR Vol 2 OR Both
2. The D.O.M All in use.
3. CALIF CRIMINAL FORMS AND INSTRUCTIONS
Vol 3 only Sect 40:44 AND 40:45 AND 41:1
These are not paged to cells. Visit the library.
4. Federal Practice Digests PC 667 AND PC 470 AND PC 1385

Be as specific as possible when you order legal material. Law books will not be copied per D.O.M. Section 14010.21.

Staff Response: _____

Staff Name: _____

C. Allen Orr 1/18/07

Date Received at Library: _____

Date Returned to Inmate: _____

Inmate Signature of Receipt: _____

D:\OCS\ANNEX\LEGALMATREQ

CMC-ASU-006 (01 02) 0345


A. Ex. 108

SECURITY HOUSING UNIT
CALIFORNIA MEN'S COLONY
LEGAL MATERIAL REQUEST FORM

Date 2/12/07

Name: DERRICK Sledge Number: P-43766 Cell: 4186

If you do not require physical access to the law library, but need to obtain miscellaneous writs/petitions to need to obtain law books through the library, you must submit a legal material request form either to the Library Legal Officer or directly to the Law Librarian through the institutional mail. Your request will be forwarded to you within three (3) working days from receipt of your request WHEN POSSIBLE. Inmates may borrow a maximum of three (3) law books (or their equivalent) at any one time.

LEGAL MATERIAL REQUESTED

1. C A Crim. LAW Procedure & Practice (important)
Again
2. DOM All in vsg
3. Blackledge v Perry 417 U.S. 21, 31 (1974) 40 L. Ed 2d
U.S. v ACOSTA 287 F. 3d 1034
4. Appeals And writs in Criminal Cases (important)
Must ask go to schedule you for Law Library because its not paged
to cells

Attn: Requesting Forms no 3I AND 1C

Be as specific as possible when you order legal material. Law books will not be copied per D.O.M. Section 14010.21.

Staff Response: _____

Staff Name: received 2/16/07 Hawn

Date Received at Library: _____

Date Returned to Inmate: _____

Inmate Signature of Receipt: _____

D:\CSVAN\NEX\LEGALMATREQ

CMC-ASU-006 (01 02) 0345


A. Ex. 109

Exhibit Cover Page

Amended- (A). Exhibits- (Ex.), Pages-(Pgs.)

A. Ex. Pgs. 110 TO 123

Plaintiff- Additional Support to his Original-(O.)
Complaint exhibits- of investigative
employee-(IE). Defendant Correctional
Officer-(C/O)- Ellis, Violations. And
CMC-E Appeal Office Defendant
MRS. M. Vela Refusal to permit the
Process/filing, Review Prejudicially and
Contrarily To Plaintiff due due diligences.

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 3/1/07	TO Appeal Office	FROM (LAST NAME) D. Sledge	CDC NUMBER P-43766
HOUSING	BED NUMBER	WORK ASSIGNMENT	JOB NUMBER FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			
ASSIGNMENT HOURS FROM TO			

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I ~~do~~ don't know the rules of how many times I (we) ^{Am} ~~are~~ allowed for me to ^{keep} ~~argue~~ this But if come to my Attention M. Vela is of my ~~good~~ ^{bad} I ~~it~~ because you didn't schematic my true position I was in the Basketball court your schematic has been misinterpreted to place me as the focus the focus is missing also so what can I do to first claim I had

INTERVIEWED BY

m. vela

Do NOT write below this line. If more space is required, write on back.

DATE

3-6-07

DISPOSITION

When appealing a 115, you must bring up all issues you do not agree with. You cannot submit an appeal multiple times regarding the same 115.

A. Ex. 110

A and unfair IE that was based on my guilty disposition. Again the IE-602 was submitted before the final 115 hearing disposition. You first just instructed me to add % Ellis IE Copy Report which made me not agree pre-hearing procedure irregularities on just the final 115 guilty/disposition. Also Lt. Strubben forced the final 115 hearing I did want witness I did want to produce official evidence etc. All of which is support by only the IE-602 along with the legal assistance that will be support by legal mail copies.

It is not my fault that you kept telling me to add things that didn't concern my Appeal which you mail to my Counselor to explain which she was suppose suppose to mail in first before the 115 hearing. You gave them both to Counselor Currey which Counselor Currey instructed me which is at least copies I initially put and you rejected Again you only instructed me to attach IE % Ellis Report, which my Counselor copied my file to make the copies in in actual 115 final disposition allow 1 copy of everything with I attach to the last 602 115 final disposition without having the IE-602 filed would seriously infringe my right to a fair trial. I need to argue every prejudice my due process to actual innocence and still to and when it come to a % word over my word I need to argue every fact. I was innocent when all through this officer was honest and still to being punishment when all through this officer was honest and still to this day no fair/honest investigation has like to me. Please help me or perfect record which is more important then I can have a fair/legal Appeal give me staff assistance so I can have a fair/legal Appeal

David S. S.

A. Ex. III

Also Could you somehow Notify the Appeal Office
 nat you in the process of making them copies so my
 deadline don't expire staff (Vela)

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 2/12/07	TO ASU/Counselor MRS CURRY	FROM (LAST NAME) Shedge	CDC NUMBER P-43766
HOUSING B/Q	BED NUMBER 4186	WORK ASSIGNMENT	JOB NUMBER FROM TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS FROM TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

Here is the Copies I need for Attachment to the 602-CONCERNING just my
 Assigned IE. Please know I also Amend that 602 Section B just to Focus
 on the IE. (Which I'm going to Attach these requesting Copies from
 you too it). Continue see Attachment

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY M Yela, appeals	DATE 2-23-07
-----------------------------------	-----------------

DISPOSITION
 CCI Curry copied the CDC 115 as you requested and
 turned in the 602 & copied 115 to the Appeals Office. The
 appeal will be assigned as a disciplinary appeal. E3

A. Ex. 112

STATE OF CALIFORNIA
GA-22 (9/92) 2115107

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 2/15/07		TO Appeal office Coordinator		FROM (LAST NAME) S Hedge		CDC NUMBER P-43766	
HOUSING B/A		BED NUMBER 4186		WORK ASSIGNMENT		JOB NUMBER FROM TO	
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)						ASSIGNMENT HOURS FROM TO	

Please take notice that I am sending this letter with my request
to request that you to tell me not how that you are doing, I
at ~~at the same time~~: Concerning my b02
submitted on 02/12/07 to Ellis IE that you given to my counselor.

Do NOT write below this line. If more space is required, write on back.	
INTERVIEWED BY <i>myla apals</i>	DATE <i>2-21-07</i>

DISPOSITION

If you need to make changes to an appeal you may write a new one. You can state in the appeal that you rewrote the appeal because you needed to make changes. - concerning Property appeal - you can request the CCI make a copy of the 4m Property →

A. Ex. 113

to explain to me she is making the additional copy's as you requested. And when a I/m is order to make correction on submitting 602 How do he do that could he rewrite another 602 and put Amended Attach with the error 602?

and the 602 concerning my Property Inventory - I afraid to give up my only supporting copies because if get lost and I answer I have no proof or no property because somehow R&R didn't change over my property card into the computer which the Bldg. 5 Fl. 1st has took my Brother typewriter out my cell 102 when I came to ASU and I just Resort was able to get my tron - which that Receipt was in my property supporting that - brought it from here that my family paid for. As the now is relocating the Brother 500 they paid for at SATF. And since I don't have my property that had all my receipt - I'm going to have to find another Due Process way concerning my property issue. I'm trying to kept your office up to date with my 602 issue please understand

~~my~~ ~~inventory form that~~ and attach the copy to the appeal. This way you will remain with a copy.

A. Ex. 114

INMATE/PAROLEE
APPEAL FORM
CDC 602 (12/87)

CTF

1. _____ 1. _____
2. _____ 2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

CMC-E-07-398; 2/29/07 REV 16 WARD

NAME DERRICK L. Sledge	NUMBER P-43766	ASSIGNMENT	UNIT/ROOM NUMBER B/Q 4288
---------------------------	-------------------	------------	------------------------------

A. Describe Problem: This Compliant (issue) is base on CDCR Staff % Ellis AND his Assignment of being my Investigative Employee (IE) Which was WADEQUATE DISPARITY AND A GREAT DEAL OF ARBITRARINESS WITH THE RESPONSIBILITIES FOR PREPARING AND OF AT LEAST TO HAD CHECK THE DOCUMENTAR EVIDENCE (OTHER STAFF INCIDENT REPORT) ect... IN THE DIRECTION I REQUEST OF HIM (FOR MY ACTUAL INNOCENCE) THAT WAS CONVINCING AND RELEVANT TO MY (INNOCENT) DEFENSE. AND FOR THIS "PROCEDURAL IRREGULARITIES AND THE CONTRADICTION TO THE RULES AND LAWS GOVERN UNDER 15 C.C.R AND

If you need more space, attach one additional sheet. CC: Rewritten Copies made CONTINUE ON NEXT PAGE

DISREGARD B. Action Requested: This incident matter I be Reviewed AS I being only AS A VICTIM ALL Report, 115 Charges Disposition ect... Be dropped AND Completely discarded Removed From my E-File. I be immediately order back to General Population AIA OR/AND TRANSFER Non-Adverse to facility my Choice. I be recompensated 100% for my Pain/sufferi BALKIND; LT STINSON AND THIS CASE be Reviewed by INTERNAL AFFAIRS INSPECTOR GENERAL CIVIL COURT

Inmate/Parolee Signature: Derrick L. Sledge Date Submitted: 01/29/07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

RECEIVED
MAR 2 2007
BRANCH

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-11 Inmate Claim

CDC Appeal Number: _____

RECEIVED
JUN - 8 2007
CTF APPEALS

RECEIVED
JUN 10 2007
CTF APPEALS

JUN 29 2007
JUN 29 2007
CMC APPEALS OFFICE
CMC APPEALS OFFICE

A. Ex. 115

2/28/07

Dear Chief, Inmate Appeals

I have been having a very difficult time of having my CDC 602 to become File and Process by CMC-E Appeal Office; Even When I have CCI Counselor (Mrs Curry) Staff Assistance

For instances: I have Attached two separate CDC-602 ~~Text~~ ~~was~~ Rewritten Example Copies that I'm labeling now A and B; which I also tried to have CMC-E Appeal Office to file and process

602-~~A~~ Label-A; Has to deal directly with my once Assign Investigative Employee (IE) and his failure to look into my issue to cause my pre-hearing to be of many Procedural Irregularities. I submitted this 602 before my I had my CDC-115 Hearing. But because this Appeal Office kept rejecting it first because I didn't attach his IE Copies Report to it and when I did and then I also ^{Attached} the 4 pages Declaration I had initially given this IE before he even began his Investigation which I now label as Exhibit the Appeal Office reject it. Then the Appeal Office rejected it stating that Section A must relate with Section B which I then attach another 602 and label Amended for Section B I also removed the 4 page Declaration. Then the Appeal Office rejected it stating this 602 is relate to my CDC-115 Hearing that I didn't even yet have the CDC-115 hearing.

OVER

A. EX. 116

Then it Reject it Stating not only do I need to Attach the IE Report but now the entire Incident Report package that consist with over 300 pages that didn't even concern me or my 602-problem; which then I was given Staff Assistance my Counselor (Mrs Curry) which I show her both these same DC 602 I submitted which she said she would make the appropriate copies concern the IE 602 And for me to just submitted every page to the 602 concerning my now CDC-115 disposition/Hearing.

Which I then informed the Appeal Office. I think because my Counselor took long to make the copies for the IE-602 and submit it. Now this Appeal Office is trying to say the IE report-602 Label-A is the same now as 602-label-B & now disregard 602 Label-A, which is unconstitutional because there different And I can not say I had no complaint with the IE-Report to then complain the entire 115 Hearing disposition

Every CDC-602 I filed this Appeal Office has delay with elaborate Indifference that now I've completed the whole HU-Term which I won't even get a response on the initial ASU Retain 602 submitted 602 (log no. CMGE-07-0220) still for another 2 months

Had this Appeal Office had file the 602 concerning my IE Hearing It would had waited until I gotten another IE before having to use only the prejudice pre-hearing Procedural irregularities IE Report

Please Review both 602 Example label A and B if has being with the same filed 602. Requesting your assistance to have the process Review on both 602

Derrick B. Sledge

A. Ex. 117

INMATE/PAROLEE
APPEAL FORM
CDC 602 (12/87)

Location: Institution/Parole Region Log No. Category

1. _____
1. _____
2. _____
2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
------	--------	------------	------------------

A. Describe Problem: _____

I Am Attaching this 602 Just to Amend Section B
And to be in compliance to the Rules/Order of the Appeal Office

If you need more space, attach one additional sheet.

B. Action Requested: (IN GENERAL) That I be Allowed Another Pre Hearing
Due Process given Another Assign I.E from the outside that
WANT be BIAS

Inmate/Parolee Signature: Werrick R Sledge Date Submitted: 01/29/07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

RECEIVED
MAR 2 2007
INMATE APPEALS
BRANCH

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed
Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

A. Ex. 118

my Federal Civil Rights ect... To have severely violated my 14 Amendment Due Process clause ect...

Facts: IE % Ellis Conducted these 7m's interview directly outside their cell doors - meaning each 7m knew that he was going to be confessing in the open and in the present of other dishonest and prejudicial ect... 7m and staff with staff - causing the whole honest truth of this matter to still be undocumented / concealed. For instant % Ellis-IE conducted at least 35 7m interviews/info. in the hallways of CMCE ASU. While every other 7m listen and watched which caused all whom was involved to remain silent (which didn't prevail my full innocent) for the sake of Prison Politics. And in all honesty and fairness it had to been at least 10 7m being true victim and on the other side 10 more that was force by peer pressure and the others knowing it true establishment. This one staff was given the assignment to handle over 100 interview what appears he done in two days (1-5-07 to 1-7-07)

As a whole both CDCR And its Reviewing Courts can not honestly believe this such Procedure (customary) is Just and non-prejudice or mentally Harmless. For instant my accuser was of another % my IE co-worker and friend ect... And as a result he rejected (honest) to question any other staff in fear it may prevail dishonestness regardk of what the harm it cause me And then for the inmate knowing that whatever he say the IE would be copies his Report and reread through out the whole system And because of my Record desire And determination I provided % Ellis a hand written copy of my declaration with evidence, facts and witnesses And question to ask not did he not stated this in his IE Report to attempt to Attached my declaration to the Final CDC IIS Hearing Copy all in which deprived me to have a Fair legal Just CDC-IIS Hearing!! Attn: I plan to Attach the Declaration upon the N. Formal -

A. Ex. 119

level

JANUARY 12, 07

Derrick L Sledge

DERRICK LEE SLEDGE

P.S And to make sure that % Ellis has not made copies or shown it to other staff

Ex. 120

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

June 29, 2007

SLEDGE, P43766
CTF

Log Number: CMC-E-
(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

You have submitted an appeal that duplicates a previous appeal upon which a decision has been rendered or is pending (CCR 3084.3(c)(2)).

Duplicate issue to appeal log number CMC-E-07-0398 and beyond time constraints.



D. Engler/M. Vela
CC-II Specialist
California Men's Colony

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE
--

A. Ex. 121

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

July 11, 2007

SLEDGE, P43766
CFCWT1000000134L

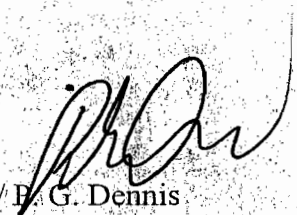
Log Number: CTF-S-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

You have submitted an appeal that duplicates a previous appeal upon which a decision has been rendered or is pending (CCR 3084.3(c)(2)).

Comments: Log #CMC-E-07-0398


J. Aboytes / P. G. Dennis
Appeals Coordinators
Correctional Training Facility

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE
--

A. Ex 122

**INMATE APPEALS BRANCH**

1515 S Street, Sacramento, CA 95814
P.O. Box 942883
Sacramento, CA 94283-0001



May 30, 2007

SLEDGE, CDC #P-43766
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960

Re: Disciplinary

Dear Mr. SLEDGE:

The enclosed documents are being returned to you for the following reasons:

This office provides the Director's Level Review of inmate/parolee appeals. The form must be completed through the Second Level of Review on behalf of the Warden or Parole Region Administrator. This appeal issue should be submitted directly to the Appeals Coordinator for review and appropriate action.

Your assigned counselor, the Appeals Coordinator, or your Parole Agent can answer any questions you may have regarding the appeals process. Library staff can help you obtain any addresses you need.

N. GRANNIS, Chief
Inmate Appeals Branch

****PERMANENT APPEAL ATTACHMENT-DO NOT REMOVE****

A. Ex. 123

Exhibit Cover Page

Amended-(A), Exhibits-(Ex.), Pages-(Pgs.)

A. Ex. Pgs. 124 To 158

Plaintiff - Support of CMC-E Retaliations by Purpose losing valuable personal Property, CAusing years of severe hardship. Then unjustly denying Plaintiff CDC-602 Appeal Review. Initiated by Defendant M. Vela.

INM. ROLEE
APPEAL JRM
CDC 602 (12/87)

Location: Institution/Parole Region

Category

Category **B-5** - 9

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Derrick Shedge	P-43766	N/A	80 4180

A. Describe Problem: Upon being placed in ASU on 12/13/06 under Mandatory Procedure Correctional Officer - Hensen was order to inventory my Reg Cell 5102 personal property - Upon me looking at the entire inventory property I notice my \$15.00 Yard Ducates my Watch and my Etron SS Cassette FM/AM Radio wasn't inventory within my personal property But contrarily the Etron was placed Confiscated And no stipulation to the \$15.00 Yard Ducat and watch - For which I at that time refused to sign. the CMC-RR-057 (08/04) 6065 Form, A few hours later

If you need more space, attach one additional sheet.

Written Copy made

Combine

8. Action Requested: That my Etron Cassett AM/FM Player be Relocate (off C-Quad Hot Room) And my Access Receipt Recover from my Personal Property And RR Correction made to be inventory with all my property as well that the 15.00 Yard Duct be put into my Account and the watch added on the list

Inmate/Parolee Signature: Worrick & Sledge AND my typewriter Brother 590 Date Submitted: 2/6/07

C. INFORMAL LEVEL (Date Received: _____)

Staff Response:

Staff Signature: _____ **Date Returned to Inmate:** _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature:

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim APR 20 2006

FEB 13 2007

MAR 08 2008

APR 20 2007

MAR 12 2007

CMC APPEALS OFFICE

CMC APPEALS OFFICE

NOTE APPEALS

ALB. ADDEAL C.

RECEIVED

2007

RECEIVED

APR 26 1967

ED
RECEIVED Date Submitted

APR 12 2007

DC Appeal **RECEIVED**

4 2007

MAY 1954

५७/५८

First Level

☐ Granted☐ P. Granted☐ Denied☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____

Due Date: _____

Interviewed by: _____

Staff Signature: _____

Title: _____

Date Completed: _____

Division Head Approved: _____

Returned _____

Signature: _____

Title: _____

Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Second Level

☐ Granted☐ P. Granted☐ Denied☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____

Due Date: _____

☐ See Attached Letter

Signature: _____

Date Completed: _____

Warden/Superintendent Signature: _____

Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

I need FOR ALL Attached Document Returned upon a Director Chief Response. This step is to ensure the Court I Attempted to exhaust all Adm. Remedies. I have Attempted beyond due diligent to explain with the Facility Appeal office that when it had initially Accepted the 602 AS being process with only instruction to tell me to attach the inventory Documents which I could not obtain due for me being in ASU/SHU

Signature: Derrick SledgeDate Submitted: 5/08/07

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

0703648

DIRECTOR'S ACTION: ☐ Granted☐ P. Granted☐ Denied☐ Other☐ See Attached Letter

Date: _____

CDC 602 (1)

RECEIVED
3/2007
CTF APPEALS

RECEIVED
25 2007
CTF APPEALS

A. Ex. 125

% HANSEN PERSONAL CAME to my ASU Cell 4186 wondering why I Refused to Sign the Form - As I explained to him that my Etron Radio ect... Watch AND \$75.00 YARD Ducat was not stipulated. Which then % Hansen informed me that my watch AND the Ducats was safely hidden in my bowl AND that R&R didn't have the Etron ect... on my Property CARD therefor he Confiscated it. I then explain to him that R&R HAS MADE AN ERROR, because my Access Receipt was hang on the Wall because my family order it while I've been at CMC-E AND Access mail it directly from them to here. Which my property has all Access documentation. And R&R put my name on it ect...

% Hansen then informed me not to worry that he put it safely in the Hot Room with my name on it AND when I come back to general population C-Quad AND with them documents I CAN get it back. As we both thought I would returned to C-Quad being that this was my first ever CDC 115 Incident Report in 6 yrs here. So I believed in % Hansen AND sign it.

But today 2/6/07 I been order to be TRANSFER AND would not be going back to C-Quad AS planned. IN which now I need to have the Appropriate official to investigate to either get the Etron Access Company Receipt OR/AND my copy from within my personal property to make the Correction for these Items to be added explicit with my personal property / Account, now before I'm Transferred

Date: 02/06/07

Derrick Sledge
Derrick Lee Sledge

Attn: Amending: After being order by the CMC-E Appeal Office to have my counselor make A copy of the only proof I have of even having property % Hansen HAS agree to put the ETRON / Player with my property now concern about my Typewriter leather 500 AND all Ducat being put in my account. AND IF not allowed at my own Legal Material AND more inventory be order

OVER FOR
Section H.

2/28/07 Derrick Sledge

A. Ex. 126

Section H Continuing:

Confinement unable to make a copy myself or to interview the inventory Property % Hensen for him to document that he was locating the questionable properties I was missing. Upon me asking my assigned counselor CC1 Mrs Curry that took a long time to advise % Hensen not to rewrite or/and amend the initial inventory report or write another so I can sign with a new date upon him find my Etron Tape player etc. Should not be my fault under a time limitation because I was never allow to see that it wasn't there, or truly wasn't item was missing. The Appeal Office should had given to Hensen the opportunity to explain he was look for the item to then produce another property 'inventory' and now I could of file on the partial found items. I have evidence to support everything because I now possess the Etron which wasn't official stipulated on the attached 602. Plus I have Appeal statement telling me to have my counselor make a property copy and I could appeal until it happen while it didn't happen until % Hensen was never allowed by this Appeal Office that he was trying to locate the missing item, which he found everything but the brother 500 Typewriter; before I was prejudicially hardship transfer; Plus I have Appeared 602 concerning this same matter of allowing me the personally property to get all receipt to show % Hensen which all the property was in Ray no sledae

A. Ex. 127